

Remarks/Arguments**I. Objections Under 35 U.S.C. § 112****A. Objections to drawings**

The present claim amendments render the objections to the drawings moot.

B. Objections to the specification

Applicant would like to thank the Examiner for his vigilance in reading the specification, Applicant has altered the specification according to the Examiner's helpful suggestions.

Regarding Examiner's observations of two independent platforms, the Applicant in his specification has opted to conceptually segment the surface of the work table for purposes of explanatory clarity. Applicant's new claims, when read in conjunction with the supporting specification would allow a person of ordinary skill in the art to be reasonably apprised of the use and scope of the invention.

C. Objections to the claims

All claims now each constitute a single sentence.

II. Rejections under 35 U.S.C. § 112

The rejections numbered 4-20 in the Examiner's Office Action have been corrected by Applicant's new set of claims.

III. Rejections Under 35 U.S.C. § 103

All Claims were rejected under 35 U.S.C. § 103 as obvious over Metzger's U.S. Patent Application No. 5,353,670 ("Metzger") in view of Batson's U.S. Patent Application No. 4,152,962 ("Batson") and Wixley's U.S. Patent Application No. 6,289,778 ("Wixley"). In order to establish a prima facie case of obviousness, three

criteria must be met: (1) the prior art references must teach or suggest all the claim limitations; (2) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available in the art, to modify reference or to combine reference teachings; and (3) there must be reasonable expectation of success.

Regarding claim 17, none of the cited references disclose a removable fence adapted to include the two positions defined within Applicant's claim 17, i.e. "a first position perpendicular to [the] cutting slot and a second position perpendicular to [the] guide slot." Metzger, for example in his Fig. 2, discloses a fence 15; but that fence is statically integrated into his worktable 3. Wixey, similarly discloses a fence, but as is the case with Metzger, that fence is integrated into his worktable. Wixey's fence 34 is positioned above the work support plane 30 and is fixed to the subframe 12 by a pair of posts 36 (Wixey, column 3, lines 61-65). Unlike Wixey and Metzger, Batson does not explicitly define his fence as "fixed" to his worktable; he does, however, provide no basis for a person of reasonable skill in the art to assume that his fence is removable. Furthermore, an examination of Batson's Fig. 1 would lead one to the inescapable conclusion that the fence 20 is indeed fixed. All references cited utilize mechanisms separate and distinct from Applicant's removable fence system of multiple positions to diversify the uses of a radial saw. None disclose or suggest Applicant's "removable fence, adapted to selectively affix to [the] swiveling worktable in a first position perpendicular to [the] cutting slot and a second position perpendicular to [the] guide slot."

In Applicant's claims 25, 35, 36, and 43 the upright rotatable support post defines a dock into which a detachable hand saw unit is housed. It was asserted that Metzger discloses that his main saw unit is removable, and that "all things are removable even if by unconventional methods." *Examiner's action of 7/19/2007*, page 8. Applicant opts to respond only to the discovery of a removable saw in Metzger. The Applicant understands that the Examiner is fully aware that claim interpretation begins with determining how a person of ordinary skill in the art understands a claim term as of the filing date of the application. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005). Fig. 1 was the sole citation for support within Metzger for a removable saw. *Examiner's action of 7/19/2007*, page 8. Fig. 1 depicts the saw unit 13 attached to the

yoke 11 of the tool 1. Metzger's discussion of Fig. 1 cites the saw unit 13 as rotatably mounted upon the yoke 11, but never does he state or suggest that the saw unit is removable from a dock specifically adapted to ease such removal (See Metzger, col. 5, lines 34 – col. 6, line 2).

In Applicant's claims 17, 25, 35, 36, and 43 the support post is positioned and allows descent sufficient to allow the saw blade within the saw unit to enter into the cutting slot. Such a feature is noticeably absent in Metzger. The insertion of an operating, spinning saw blade into a cutting slot clearly defining a path of travel assists in preventing workpiece kickback.

None of the present references disclose a releasable saw unit or the docking structure adapted to allow its attachment.

Respectfully Submitted,

Date: 2/21/08



M. Keith Blankenship, Esq.
General Counsel, P.C.
6862 Elm Street
Suite 800
McLean, VA 22101
Phone: 703-556-0411
Fax: 703-556-6540